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LAWRENCE J. TUCKER, JR.**
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Of Counsel: DION J. SHANLEY

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May 27, 2009

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Deborah R. Trotter, Esq.
Merlin Law Group, PA
368 Courthouse Road, Suite C
Gulfport, MS 39507

RE: New Light Baptist v. State Farm Fire & Casualty Company, et al.
Cause No.: 1:08cv560-HSO-RHW
Our File No.: 08-2955

Dear Deborah:

Your clients' responses to State Farm's Interrogatories and Requests for Production of Documents were propounded on or about May 6, 2009. Many of those responses are evasive, incomplete or non-responsive, and require immediate supplementation as set forth below.

INTERROGATORIES

As for Interrogatories Nos. 1-10, 19, and 22 in which you objected to as seeking a premature designation of expert opinions, please provide full and complete responses to the extent they call for expert opinions, no later than Plaintiffs' expert designation deadline of July 29, 2009.

As for Interrogatory No. 11, this answer is incomplete as the Pastor still has not been named. At a minimum, the Pastor has discoverable information and he should be made available. Further, the response is vague and ambiguous as to who "the Church" is. Please provide a full and complete response immediately.

Interrogatories No. 12, 13 are incomplete as it merely refers State Farm back to the Complaint and the policy which "speaks for itself." This bare and imprecise statement hardly represents a good faith attempt to respond to State Farm's inquiry. Please provide a full and complete response immediately.

Exhibit "B"

HICKMAN, GOZA & SPRAGINS, PLLC

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Your clients' response to Interrogatory No. 22 is incomplete. If Hughes Services or any other such person or entity has conducted an inspection and provided an opinion (other than the invoices produced), e.g., an itemized rebuilding estimate or contract for repair, we need that information so State Farm may properly evaluate this case. We believe it is inappropriate for your to wait for your expert designation deadline (or the date of a scheduled mediation) before providing such information, and feel that much of the information provided to date, is insufficient to properly apprise State Farm as to the nature of the work which has been done. Please provide a full and complete response immediately.

Your clients' response to Interrogatory No. 23 is non-responsive. When asked for the basis of your contention that you are entitled to various punitive damages, you objected and stated "there are benefits due under the policy at issue to cover damages from Hurricane Katrina." This bare statement and your imprecise reference to "other documentation . . . which speaks for itself" hardly represents a good faith attempt to respond to State Farm's inquiry. Please provide a full and complete response immediately.

Generally, Plaintiffs objected to Eighteen (18) out of Twenty-Five (25) Interrogatories on the basis that they call "for information protected by the attorney-client privilege and/or prepared in anticipation of litigation and protected by the work-product doctrine." If documents have been withheld on this basis, a privilege log needs to be provided immediately pursuant to this Interrogatory and Fed. R. Civ. P. 26(b)(5)(A)(ii). If documents were not withheld on this basis, please state so plainly.

REQUEST FOR PRODUCTION OF DOCUMENTS

Your responses to these requests are not in compliance with Fed. R. Civ. P. 34(b)(2)(E)(i) which states that "[a] party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request." Your imprecise reference to documents found within State Farm's Initial Disclosures, Plaintiffs' Initial Disclosures and Plaintiffs' Responses to Requests for Production is insufficient. Please supplement your responses immediately.

Your response to Request No. 19 is incomplete. The Church is either a 501(c)(3) organization, or it is not. It is unimaginable that the Church would not have documents pertaining to 501(c)(3) status either in the Church's possession or readily attainable. Please provide these documents immediately.

Your responses to Requests Nos. 20 and 21 are incomplete and nonresponsive. Please immediately withdraw these objections to these requests and respond immediately. Since this document is not filed with the Court, "mov[ing] the Court for a Protective Order," does nothing. Please provide these documents immediately.

Your response to Request No. 23 is incomplete. The Church has stated previously that either the City or the County has condemned what is believed to be the Fellowship Hall. State Farm has no documentation of any condemnation. If the City or County has investigated and condemned the

HICKMAN, GOZA & SPRAGINS, PLLC

June 1, 2009

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property, surely the Church would have these documents in their possession. Please provide these documents immediately.

Again, you have objected on the basis of "attorney-client privilege and/or prepared in anticipation of litigation and protected by the work-product doctrine," to almost every Request for Production. To the extent that you have not yet done so, please immediately provide a privilege log for those documents that you have and that you are claiming privilege.

Further, we are requesting that you supply State Farm with the name of the Pastor of the Church. Undoubtedly he would have discoverable knowledge, and we would like to depose him. Also, it is imperative that the documents regarding the condemnation are located. We are making a formal request that you attempt to locate them and provide them immediately.

Please consider this our good faith effort to resolve this discovery dispute. If you do not intend to provide complete responses to the above-identified discovery requests within Ten (10) days, please complete the attached Good Faith Certificate so that we may proceed with the filing of a Motion to Compel Supplementation of Discovery Responses.

Sincerely,

HICKMAN, GOZA & SPRAGINS, PLLC

STEPHEN D. STAMBOULIEH

cc: Scot Spragins
Amanda Povall Tailyour

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

NEW LIGHT BAPTIST CHURCH

PLAINTIFFS

VS.

CAUSE NUMBER: 1:08CV560-HSO-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and it is necessary to file the following motion: Motion to Compel Supplemental Discovery Responses.

Counsel further certify that:

X as appropriate:

- _____ 1. The motion is unopposed by all parties
- _____ 2. The motion is unopposed by:
- _____ 3. The motion is opposed by:
- _____ 4. The parties agree that the replies and rebuttals to the motions shall be submitted to the magistrate judge in accordance with the time limitations stated in Uniform Local Rule 7.2.

This the _____ day of May, 2009.

DEBORAH R. TROTTER, MSB # _____
Attorney for Plaintiff

AMANDA TAILYOUR, MSB #7748
STEPHEN STAMBOULIEH, MSB #102784
Attorneys for Defendant

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WILLIAM E. MERLIN, JR. *††◆◆
WILLIAM B. WEATHERLY †

• BOARD CERTIFIED CIVIL TRIAL LAWYER
◆ ALSO ADMITTED IN DISTRICT OF COLUMBIA
*** ALSO ADMITTED IN LOUISIANA
****ALSO ADMITTED ALABAMA, TENNESSEE & TEXAS
††ALSO ADMITTED IN FLORIDA
• ALSO ADMITTED IN TEXAS
† OF COUNSEL

July 21, 2009

VIA EMAIL AND REGULAR MAIL

Amanda Tailyour, Esq.
Hickman, Goza & Spragins
P.O. Drawer 668
Oxford, MS 38655-0668
Atailyour@hickmanlaw.com

Re: *New Light Baptist Church v. State Farm Fire and Casualty Company*

Dear Ms. Tailyour:

In response to your discovery concerns in the above referenced matter, please be advised that Pastor Nathaniel Smith has been assisting us with supplementing responses to the Interrogatories and Request for Production of Documents propounded by Defendant.

As we anticipate supplementing these responses no later than August 4, 2009, we request that the deposition of Pastor Smith be moved from July 28, 2009 to either August 25, 2009 or September 1, 2009, pending confirmation from Pastor Smith, to allow for your review of the supplemented responses prior to Pastor Smith's deposition.

If you have any questions or concerns, please contact us at your earliest convenience.

Sincerely,



Deborah R. Trotter, Esq.

DRT/ars

cc: Stephen Stamboulieh, Esq.

Exhibit "C"

SHELBY DUKE GOZA
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19 August 2009

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Via Facsimile: 228-604-1176

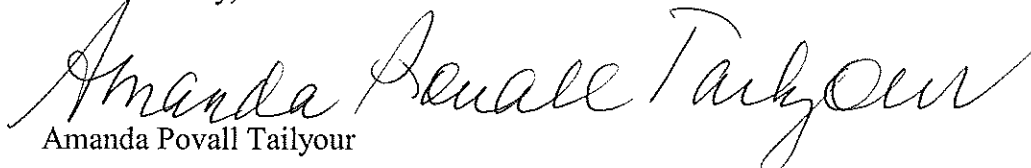
Re: *New Light Baptist Church v. State Farm Fire*
Our File: 08-2955

Dear Deborah:

In your letter of 21 July 2009 you advised that Pastor Nathaniel Smith was assisting you in supplementing responses to *Interrogatories* and *Request for Production of Documents* propounded by State Farm, and that you would supplement no later than 4 August 2009. Based on that representation we agreed to delay Pastor Smith's deposition, which is scheduled for next Monday, 25 August. August 4 has passed, and we have received no supplemental responses to discovery. Please immediately supplement discovery, with receipt in this office no later than this Friday, 21 August, so that I can review the responses prior to Pastor Smith's deposition.

Otherwise, we will proceed with the filing of our *Motion to Compel* as per our good faith letter of 27 May 2009.

Your sincerely,


Amanda Povall Tailyour

c. H. Scot Spragins
Stephen Stamboulieh

Exhibit "D"

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- † OF COUNSEL

August 21, 2009

VIA EMAIL AND REGULAR MAIL

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Re: *New Light Baptist Church v. State Farm Fire and Casualty Company*

Dear Ms. Tailyour:

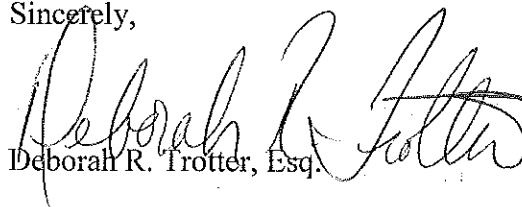
This letter is in response to your letters dated August 19, 2009, and May 27, 2009.

We have submitted Defendant's discovery requests to Pastor Nathaniel Smith to seek his assistance in supplementing responses. However, after careful consideration by the Pastor, he has determined that he is unable to add anything further.

Though, many of your discovery concerns have been addressed through expert designations and/or will be resolved during the Pastor's deposition on Tuesday, August 25, 2009, we will continue to seek responsive information and supplement the same in accordance with the Federal Rules of Civil Procedure.

If you have any questions or concerns, please contact us at your earliest convenience.

Sincerely,



Deborah R. Trotter, Esq.

DRT/ars

cc: H. Scot Spragins, Esq.
Stephen Stamboulieh, Esq.

Exhibit "E"

SHELBY DUKE GOZA[◇]
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8 September 2009

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Via Facsimile: 228-604-1176

Re: *New Light Baptist Church v. State Farm Fire*
Our File: 08-2955

Dear Deborah:

Although I advised last week that we would file the *Motion to Compel Discovery* today, instead I am attaching a copy of said motion in response to your request to direct you more specifically to continued concerns with New Light Baptist Church's discovery responses. It is now more than three (3) months since we sent you our good faith letter with the attached *Good Faith Certificate*. Despite assurances both verbal and written that Plaintiff would supplement, your letter of 21 August 2009 confirms otherwise. However, in a continued effort to resolve this matter without filing the attached motion, we will allow an additional week, or until Monday 14 September 2009 for Plaintiff to supplement discovery. In the event that Plaintiff does not supplement, please complete the Good Faith Certificate and fax to my attention.

Your sincerely,


Amanda Povall Tailyour

Attachment: *Motion to Compel Discovery* (24 pages)

c. H. Scot Spragins
Stephen Stamboulieh

Exhibit "F"